HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 4261 OF 2006.

PETITIONER	:	Vishram Ogre aged about 60 years S/o Shri Jeevarakhan Ogre Mungeli, Distt. Bilaspur (C.G.)
	Versus	
RESPONDENTS	1.	Regional Transport Authority Bilaspur (C.G.)
	2.	Secretary, Regional Transport Authority Raipur
	3.	M/s Rainbow Travels Proprieter – Anurag Shukla Ravi Nagar, Shukla Coloney Raipur
	4.	State Transport Appellate Tribunal Raipur

Present : Shri Ajay Shrivastava, learned counsel for the petitioner.
Shri Sanjay .S. Agrawal, learned G.A. for the State / respondents 1 and 2.
Shri Anoop Majumdar, learned counsel for respondent No.3

(ORAL ORDER)
(Passed on 30th August, 2006)

The Regional Transport Authority, Bilaspur by its order dated 1/2/2006 granted regular permit to the third respondent herein for route Raipur to Khudia. When that permit was assailed before the STAT, the STAT without finding any merit dismissed the appeal by its order dated 30/6/2006. Hence, this writ petition has been filed.

(2) The facts of this case, in brief, are as follows:

The petitioner made an application 8/4/2005 for grant of regular permit on the aforementioned route, whereas the third respondent also made application on 8/12/2005 for grant of regular permit for the same route. It appears that the Regional Transport Authority had fixed 24/1/2006 as the date for hearing of both the applications, but, hearing did

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not take place on 24/1/2006. Subsequently, considering the applications permit was granted to the third respondent.

(3) The contention of learned counsel for the petitioner is that the Regional Transport Authority ought to have clubbed the application of the petitioner with that of the third respondent, considered them together and having assessed the relative merits of the applicants ought to have granted the regular permit to a most suitable candidate, and the procedure followed by the Regional Transport Authority is *ex facie* illegal and violative of the principals of natural justice.

(4) I have perused the order made by the Regional Transport Authority as well as the order made by the STAT. What weighed with both the statutory authorities not to grant permit to the petitioner and to grant permit to the third respondent is the fact that the petitioner had also made an application before the Regional Transport Authority, Raipur for regular permit for the route Khudia to Raipur and in that application he has mentioned the motor-vehicle bearing registration No.CG10 –A/7425. Admittedly, the petitioner has shown the same vehicle in both the applications. Therefore, it cannot be said that the reason assigned by the Regional Transport Authority and the STAT is not a valid and relevant ground to refuse grant to the petitioner. It is true that after 24/1/2006, no hearing was given to the petitioner, but, the admitted fact remains that the petitioner showed the same bus in both the applications. When this position is not contested, giving a hearing to the petitioner could be an empty formality. The petitioner's counsel was not in a position to tell the court how his client is prejudiced by denying opportunity of being heard.

(5) The other contention raised by the petitioner that the timings assigned to the third respondent for operation are interfering with the

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timings assigned to the petitioner under other permits are considered by the STAT and has opined that the timings have been assigned to the petitioner and the third respondent-operator, keeping in mind the public interest in general and travelling public in particular. It is needless to state that while assigning the timings to any operator, the predominant consideration which should go into the decision making by the statutory authority under the Motor Vehicles Act is the need and interest of the travelling public and not the interest of individual operator. If that is the consideration which has gone into the decision-making by the statutory authority in assigning the timings to the petitioner and to the third respondent for operating their buses, no exception could be taken to the same. Here again, the learned counsel would harp on the failure of the Regional Transport Authority to give an opportunity of being heard. Principles of natural justice are meant to advance justice and not thwart justice. I do not find any failure of justice in the action of the Regional Transport Authority, Bilaspur, as affirmed by the STAT. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice